

REMARKS

Claims 53-62 are pending in the application. Claim 58 has been withdrawn from consideration. Claims 53-57 and 59-62 stand rejected. Applicant requests reconsideration of such rejections.

Claims 53-57 and 59-62 stand rejected as obvious in view of U.S. Patent 6,130,106 to Zimlich. Applicant respectfully submits that the Zimlich reference does not constitute prior art in this instance.

35 U.S.C. §103(c) provides that subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter in the claimed invention were common at the time the invention was made, owned by the same person, or subject to an obligation of assignment to the same person.

The present application is a divisional of U.S. application serial no. 09/251,262, now issued U.S. Patent 6,235,545, issued May 22, 2001 and filed February 16, 1999. At all times, the Zimlich patent has been assigned to Micron Technology, Inc., Boise, ID as shown by assignment recorded reel frame no. 9791/0367. The present application is also assigned to Micron Technology, Inc., as identified by the enclosed Assignment.

Therefore, the Zimlich subject matter shall not preclude patentability under §103 because the subject matter in the claimed invention were at the time the invention was made, owned by the same person, or subject to an obligation of assignment to the same person.

Applicant requests allowance of claims 53-57 and 59-62 in the Examiner's next action.

Having addressed all of the issues raised by the Examiner in the last Action, this application is believed to be in immediate condition for allowance, and action to that end is requested.

Dated: _____

5/19/03

Respectfully submitted,

By: _____

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